

JUSTICE FOR PRIESTS AND DEACONS IS AN INDEPENDENT CANON LAW GROUP DEDICATED TO DEFENDING THE RIGHTS OF CLERGY
"If you want peace, work for justice."

Pope Paul VI

DUE PROCESS, LAW AND LOVE;

Justice for Priests and Deacons

Crisis in the Catholic Church: Lack of Due Process

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POPE FRANCIS greets BENEDICT XVI

"If our heart is closed, if our heart is made of stone, then stones will end up in our hands, and we will be ready to throw them at someone."
Pope Francis

"The fact that the Lord can work and act even with insufficient means consoles me, and above all I entrust myself to your prayers."

Benedict XVI

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DEDICATION

This issue of the Newsletter is dedicated to the priests, deacons, religious, and laity in the United States who have suffered injustice as a result of the Lack of Due Process in the Catholic Church and who have been denied their canonical rights.

WHAT DOES HUMAN DIGNITY REALLY MEAN?

LONDON, JUNE 28, 2012 (Zenit.org).- On Monday, the Archbishop of Westminster, Vincent Nichols, spoke to members of the Thomas More Society at Lincoln's Inn, London, and called for a more developed and shared understanding of human dignity for the good of all in society. "It matters very much because the notion of human dignity plays a key role especially in international conventions, and in our understanding of the moral life," he said. "How in our pluralist society we develop and hold onto a shared understanding of such a key concept can have an immense influence on the quality of moral and social development of people," he added.

Archbishop Nichols observed that the idea of human dignity has a long history, going back to Cicero, Augustine and Aquinas. It was further developed by the Salamanca school of Dominicans in Spain at the time of the colonization of America. Subsequently, during the last century or so, it has been the topic of the social encyclicals of the Church. Human dignity also has great importance outside the Church, he added. The U.N. Declaration of Human Rights, in Article 1 states: "All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood." He also noted that Article 1 (1) of the German Basic law, also drafted in 1948, states that "human dignity is inviolable. To respect it and protect it is the duty of all state power."

"Today the widespread contemporary use of human dignity both in law and in ethics is now also under the spotlight, particularly in the areas of law and medical ethics, and the underlying consensus about what human dignity means or requires is increasingly in question," he commented. He referred to Professor Steven Pinker, who in 2008 wrote an article called "The stupidity of dignity." Archbishop Nichols also referred to the debate over euthanasia and to the debate over what it means to live and die with dignity.

Image of God: The Catholic understanding of human dignity can help in this debate, he maintained. It is founded on the book of Genesis and "our understanding that all created things have a dignity of their own, but that human dignity is something special because human beings are created in the image and likeness of God." "It is given a new depth with Christian reflection on the incarnation, death and resurrection of Christ who both reveals the full splendor of our human dignity, and through his resurrection, offers us the way through him to the fullness of life with God to which we are all called," he continued.

Human dignity can also be perceived by reason, Archbishop Nichols added, something that Pope Benedict XVI referred to in his speech at Westminster Hall when he spoke about how religion and reason need each other.

You do not need to be a religious believer, he said, "to affirm from reflection on experience as a fact about the world that other people matter and make a claim upon us, and that 'human dignity' is the idea which best encapsulates the universal truth of that claim, with the moral force that it carries."

"Human dignity can be and must remain an effective rallying cry for the protection of fundamental human rights," he insisted.

The Most Reverend Vincent Nichols, M.A., D.D. Archbishop of Westminster, England



TREATMENT CENTER FOR ALCOHOLISM AND DRUG ADDICTION

GUEST HOUSE is North America's founding behavioral health and addiction program for

Catholic clergy and religious. Since 1956, we've provided personalized clinical treatment with a spiritual emphasis. Guest House's mission is focused on successfully returning men and women to their ministries. Our accredited full time clinical staff provides these services at our tranquil, private residential facilities.

Jeff Henrich, M.A., L.A.D.C.

GUEST HOUSE

*Executive Director Men's Treatment Center
Rochester, Minnesota*

PROTECTING YOUR RIGHTS AS A PRIEST OR DEACON

A priest has a right to good reputation, protection of privacy, honest communication. Allegations of sexual abuse threaten these rights. The diocese must report allegations to civil authorities and investigate whether there is sufficient evidence for ecclesiastical action. In that situation, the priest has the right to a defense, due process, and recourse or appeal. He also has the right to continuing financial and other support, even if a canonical penalty is imposed. But rights must be protected.

Priests accused of misconduct supposedly have the “presumption” of innocence. They will likely have to prove it and later have to work to restore their reputations. Officials usually act on a “credible allegation” (“it could have happened”), effectively presuming guilt. The priest will likely be removed from ministry while investigations proceed. For all practical purposes, punishment precedes investigation.

A priest or a deacon, called to a meeting with their diocesan bishop or a diocesan official or notified of an accusation, must be careful to protect their rights. First, do not attend a meeting without knowing beforehand what the meeting is about. Second, have in writing the purpose of the meeting, any and all specific allegations in detail, and a summary-record of the meeting, including what you were told beforehand. Third, seek counsel of both a canon lawyer and a civil lawyer. Fourth, you should never go alone; bring someone along—attorney, canonist, or priest-friend. (If the official insists the priest or deacon attend alone, insist that no one other than that official be present.). Fifth, never agree to *anything* at this meeting. Listen to what the diocesan official tells you, but ask to respond at a later time after consultation with others and having time for prayer. This is crucial and necessary. If you fail to follow any of these steps, but especially the fifth, you may have seriously harmed your chances at ever returning to ministry in the future.

Legal confidentiality is assured only in sacramental confession. Anything you say to diocesan officials and even to the bishop can and may be used against you. Therefore, make no statement without consulting your attorney and canonist first. The bishop may be your spiritual father, but his first role is to protect the diocese.

In any meeting you and your companion should listen carefully and take notes. Neither confirm nor deny anything. Express thanks for the meeting and state that a written response will be given shortly. Make no decisions or agree-

ments and agree to nothing without consultation with a civil attorney and canonist. This is fundamental for protecting your rights.

If you are told to have a psychological assessment or evaluation, remember that canonically you cannot be forced to do so. However, refusing an evaluation will probably be considered evidence against you. “Approved” places for evaluation and treatment will likely be biased in favor of the diocese, non-objective in their evaluation, and not fully respectful of confidentiality. For that reason, choose a psychological assessor or location carefully and with canonical counsel. You have the right to read any report and you have the right to refuse to release results to anyone, but that too will probably be regarded as evidence against you. Since you may lose control of any written report released to the diocese, you should approve releases only to your attorney/canonist or personal therapist and authorize only a verbal report to the diocese. However, experience shows that evaluators often give hints though saying that they cannot pass on results.

Remember, over-reaction against past episcopal failures may bias the process against the accused priest. Rights are not always respected and coercion is sometimes used. Canonical procedures and processes are not always followed. Whatever the results of an investigation or canonical process, the bishop can, as an act of administrative governance and in virtue of the priest’s promise of obedience, deny faculties, remove from ministry, require a particular residence, or attempt to force a priest into retirement, and so on. That is why a priest needs the help of his own canon lawyer. Be proactive and assert your rights because if you don’t do so at the proper times you will lose them!

JUSTICE FOR PRIESTS AND DEACONS EXISTS TO PROTECT YOUR RIGHTS AND TO PROVIDE CANONICAL ASSISTANCE. THE FUTURE OF YOUR PRIESTLY MINISTRY MAY VERY WELL BE ON THE LINE. SEEK CIVIL AND CANONICAL COUNSEL IMMEDIATELY UPON ANY HINT OF AN ALLEGATION AGAINST YOU! THE OFFICE OF JUSTICE FOR PRIESTS AND DEACONS WILL BE HAPPY TO PROVIDE A REFERRAL.

Rev. James Dallen, S.T.D. is a priest of the Diocese of Salina, Kansas; Emeritus Professor of Religious Studies, Gonzaga University, Spokane, Washington

Robert Flummerfelt, J.C.L., J.D. Ukrainian Catholic, Las Vegas, Nevada

REFLECTIONS ON BISHOP-PRIEST RELATIONSHIP

Episcopal ordination representing the fullness of the Sacrament of Holy Orders reflects the unbroken apostolic line of succession. This sacred character confers a revered role where the bishop takes the place of Christ himself and acts as his representative. The priests, together with their bishop, constitute a unique “presbyterium”. Priests form one priestly body under their own bishop in the diocese to which they are attached. This understanding of the link between bishop and priest is pivotal to the identity and functioning of a priest in serving God’s people.

This is embedded in the Code of Canon Law which asserts that “the bishop is to have a special concern for the priests, to whom he is to listen as his helpers and counselors. He is to defend their rights and ensure that they fulfill the obligations proper to their state. He is to see that they have the means and the institutions needed for the development of their spiritual and intellectual life. He is to ensure that they are provided with adequate means of livelihood and social welfare, in accordance with the law.” [canon 384].

Teaching, tradition, spirituality, canon law and pastoral practice form a solid and coherent thread of understanding sustaining this threefold link. The legitimate expectations arising from this coherent thread underpin the particular relationship between bishop and priest. When the spiritual and psychological contract reflecting this is undermined or ignored, a fundamental breach in trust is foisted upon what was taken for granted and lived out manifestation of faithful life in the church. The consequences of this lacuna have yet to be fully realized.

Notwithstanding the array of challenges facing the Catholic Church in the world at this time, there is one internal dynamic that is proving corrosive and ultimately inimical to a coherent church engagement with the world. The manner of managing the spate of abuse allegations has given rise to the predicted consequence within the church, the erosion of the bond between bishop and priest. The relationship between bishop-priest-people has been an indelible strength of the church through the ages. The self-effacing and, at times, impulsive response to abuse allegations has encouraged many bishops to act precipitously – if not unlawfully (both in canon and/or civil law) – in becoming corporate-minded figures calculating and acting on cost-benefit considerations oblivious to their theological and pastoral roles as promoters of justice of both accused priests and accusers. The infectiousness of corporate calculation has blinded many bishops to act in a mindset regardless of the cost to either accuser and/or accused.

There are innumerable instances where ordinary priests have had their reputations shattered with imperious public announcements (PR) in the aftermath of an allegation. The established legal maxim “innocent until proven guilty” has been jettisoned to be replaced by carefully calibrated PR verbal formulae that in many cases destroy an accused priest, publicly and psychologically, even if later proved innocent or left in a limbo situation of being unable to establish innocence. Parallel damage inflicted includes situations where “private” medical reports are routinely opened up for scrutiny; personnel files are put on display to “objective” third parties, “confidential” discussions (or so thought) no longer carry privilege as they are all now held as secondary to the pursuit of anyone against whom an allegation is made. Innocuous and innocent admissions by priests to their “father” bishop, made in acts of honest sharing, seeking advice or help, can now be exploited and interpreted as something else. These can be later used to pillory or discredit priests in general and accused priests in particular. The ordinary chance encounter by a priest with his bishop is now potentially fraught with sinister attributions; any office meeting and encounter is prone to post-hoc third party interpretation. Everything is a matter of record and any imprudent statement or opinion will be recorded and ultimately released if not distorted in a potentially prejudicial way. It has now become imperative to engage in such encounters as if approaching a game of chess mindful of the many minefields inherent in such situations. “Caveat sacerdos.”

To whom does a priest now turn? Not the bishop or diocesan official, the modern day keepers of corporate soul at the expense of individual well-being. This estrangement goes well beyond sensitive issues of vulnerability into other core facets of priestly life and thus eroding the spiritual and faithful link between bishop and priest. This undermines fundamental links of assent, loyalty and the graceful outpourings of the Holy Spirit. Before resigning Pope Benedict XVI referenced on two occasions the preoccupation of others (i.e. within the Curia) on matters of pride and ambition which should serve as a timely reminder - if one were needed – to all unfettered bishops to get back to spiritual basics, abandon corporate imitation and truly become the “servant of servants.” The current career profiling of bishops doesn’t suggest that this will come easily. The Pope by his own timely admission of vulnerability has given us all a lead, to allow the Holy Spirit to become an unfettered force animating joy and grace to a troubled and disconnected church and world.

**Rev. Gary Becker, Th.D.
Frankfurt, Germany**

MALIGN FIRST, INVESTIGATE LATER

A number of American bishops increasingly have engaged in a disturbing, immoral practice: they are publicizing the names of priests accused of sexual molestation charges when a bishop reports the allegation to law enforcement. This is being done before any canonical or criminal investigation is completed, any arrest is made, and any criminal charges are filed -- much less before any conviction or guilty plea is entered. Often, no arrest is *ever* made, as priestly molestation charges frequently prove to be false. Yet the accused priest's good reputation is shattered, his privacy violated, and his vocation often ruined.

For example, in June 2012 the bishop of the Diocese of Rochester began posting on its website the names of priests accused of child abuse, even when the diocese had not completed its canonical investigation. Recently in Chicago, a priest reportedly read from the pulpit a public statement by the Archdiocese's Chancellor that a named pastor was accused of child molestation from thirty years earlier, and was being reported to authorities. Premature disclosure of such accusations by these and other dioceses appears to violate Church Law canon 220. This canon provides: "No one is permitted to harm illegitimately the good reputation which a person possesses nor to injure the right of any person to protect his or her own privacy." This canonical right to one's good reputation is based on natural law, which requires a serious reason to disclose harmful personal information to protect the public good.

Bishops have alternative means to protect people in their diocese. They can *privately* suspend accused priests from ministerial duties until the accusation is resolved finally by the diocese and law enforcement. They temporarily can ban accused clerics from schools, orphanages and other Church-run facilities pending a thorough investigation, or can order them into seclusion. Public disclosure by the bishop could be made if and when any arrest is made or any criminal charges are filed -- themselves public events.

Other organizations do not engage in the release of medical and psychological records. Unless required to protect public safety (as with a bomb threat), police do not disclose mere allegations of a crime before any investigation is conducted or any arrest made. Businesses would be sued for defamation and invasion of privacy for publicizing that an employee merely was *accused* of sexual assault. The same is true of schools, unions, professional associations and sports leagues. In most states, accused priests who are victimized by such premature disclosures may have a civil cause of action against their bishop for such "torts" (civil wrongs not involving a contract). If wrong-

fully accused, such clerics could recover monetary damages for such claims as invasion of privacy, defamation, and intentional infliction of emotional distress. Obviously, not all wronged priests would sue their own bishop. However, civil law's recognition that such conduct is wrongful should cause bishops to pause before making unwarranted disclosures before a complete investigation.

There is another, wholly sufficient reason for bishops to refrain from such premature disclosures: It is not Christian. Their policy fails to embody the love of fellow humans that Christ taught. Why, then, are bishops doing this? This trend involves over-compensation. For decades, many bishops and other officials hid allegations from the people of God -- and often from law enforcement. Sometimes this was done even when strong evidence existed that a priest had committed the offense. Current wrongdoing in pursuit of "transparency" cannot undo prior wrong from clerical "cover ups." As St. Ambrose taught, "No evil is ever solved by harming another."

In summary, strong arguments exist that many bishops are violating canon law, civil law, natural law, divine positive law and the teachings of the Church. It is time to cease this pernicious, immoral practice. The violation of the right of privacy and a person's good reputation is contrary to the moral principles of Canon Law and Moral Theology. Such action imputes moral guilt and is a serious sin

James "Mac" McCarty, J.D.
Denver, Colorado



"... just as food is necessary to the life of the body, so good reading is necessary to the life of the soul."

— Pope John XXIII

FINANCIAL SUPPORT

This newsletter is sent to you through the generosity of our many benefactors---priests, deacons, and laity. It costs us \$32,000 to print and mail this Newsletter to bishops and priests in the United States.

We need your prayers and your financial support to keep Justice for Priests and Deacons active in the defense of rights for the People of God.

Justice for Priests and Deacons is an independent worldwide group of canon lawyers and is not affiliated with any diocese. It is the only organization that has an advocacy program to defend the rights of clergy, religious, and laity. We face tumultuous times where the morale of priests and deacons is at an all-time low.

This newsletter is being sent to over 43,000 priests in the United States including active, retired, religious, Eastern-rite priests and military chaplains. It is mailed to all English-speaking bishops of the world. Copies are personally delivered to members of the Vatican Curia and the Holy Father.

Sadly, we all know of a priest or deacon who has been removed from active ministry. Many live in fear, since in most cases they realize that little support comes from their bishops. There has always been solidarity amongst priests and we are always here to help you. We are only one step away from a complaint being brought against us.

DONATIONS

With the current crises in the Church, this organization is essential and needed. It is important we all support one another and this organization. **We are asking bishops and priests to consider making a tax deductible contribution to Justice for Priests and Deacons.** You can donate at our website, www.justiceforpriests.org by credit card or you can mail your donation to :

Justice for Priests and Deacons
PO Box 87225
San Diego, CA 92138-7225 USA

Gifts of stock may also be donated to us, and remember our ministry in your will. Let us know if you choose to do this. We will be grateful for any donation you can provide.



DOES THE CONCEPT OF “CREDIBLE ALLEGATION” EXIST IN CIVIL LAW?

Canon law sets a standard for bringing an investigatory proceeding against clergy when a *credible allegation* has been made. **What is the definition of a *credible allegation*? It is somewhat of a mystery.** I searched a number of different articles across the web, including those by NATO, the United Nations, Amnesty International, the U.S. Department of Health and Human Services, and the Catholic Church in the hopes of finding a cogent definition of the term. What I discovered was that *credible allegation* was widely used throughout government organizations, many of which never defined the term. Even more shocking was that some of those organizations even admitted they are working on a definition, but continued to use the term without clarification.

In law, *beyond a reasonable doubt* is the highest standard of proof that must be met in a criminal trial. In civil litigation, the standard of proof is typically defined as a *preponderance of the evidence* or *clear and convincing evidence*. There are a number of variations used by different States, but the point is that in civil litigation, the standard is or can be much lower than that in a criminal case.

A *preponderance of the evidence* simply means that one side has more evidence in its favor than the other, even by the smallest degree. *Clear and convincing proof* is evidence that establishes a high probability that the fact sought to be proved is true. In its simplest terms, *clear and convincing proof* is significantly more proof than just enough (*a preponderance of the evidence*), but something slightly less than *beyond a reasonable doubt*. Why then the highest standard in criminal trials? The main reason is that such a high standard is required because the criminal proceedings can result in the deprivation of a defendant's liberty or even in his or her death. These outcomes are far more severe than in civil trials, in which money damages are the common remedy.

This brings us full circle to the definition of *credible allegation*. The standard is somewhat of an enigma. It lies at the bottom of the investigatory scale, yet it is often relied upon as gospel truth by the Church to begin a formal proceeding against its clergy. Without a Canonical definition and consistent application, is it any surprise Church investigations have resulted in a wide variety of outcomes? There have been cases where no investigation whatsoever took place to the filing of criminal proceedings against clergy resulting in acquittal or dismissal. The result is an injustice against some of the very priests the Church has bound itself to protect. The pendulum for justice for those innocent victims

DOES THE CONCEPT OF “CREDIBLE ALLEGATION” EXIST IN CIVIL LAW? (CONTINUED)

sexually abused by some priests has caused a swing so far to the right that a culture of “guilty until proven innocent” has developed among American bishops. Has the Church lost its way in preaching justice for all? Is not the clergy part of that justice system too? Or has the fervor for retribution by those sexually abused by priests changed the Church in how it deals with its clergy regardless of the issue? Justice requires amends, healing, and accountability. It is not to be taken lightly, and the use of *credible allegation* without an ascertainable standard seems to have watered down justice for all. **In conclusion, the concept of “credible allegation” does not exist in civil law.**

West's Encyclopedia of American Law, edition 2. Copyright 2008 The Gale Group, Inc. All rights reserved. ⁱⁱ Id.

Brian Tanko, J.D., C.P.A.
Kalispell, Montana



DOES THE CONCEPT OF “CREDIBLE ALLEGATION” EXIST IN CANON LAW?

The conviction and sentencing of Msgr. William J. Lynn of the Archdiocese of Philadelphia for child endangerment raises again the issue of what are credible allegations. Will this lead bishops to consider any allegation credible and enough to remove a priest from ministry? Now more than ever a clear understanding of what makes an allegation credible is needed or every priest is only one accusation away from being thrown under the bus. The problem is that no such understanding exists. This article is written to get the conversation started to arrive at such an understanding before another media-driven tsunami overwhelms an unprepared hierarchy.

The Dallas Charter and Essential Norms (last revised in 2011) remains in effect. The term “credible allegation” does not appear in them. Norm 6 states that a preliminary investigation (cc. 1717ff.) is conducted to determine if there is “sufficient evidence”--“at least the semblance of truth” according to the Congregation for the Doctrine of the Faith’s *Sacramentorum Sanctitatis Tutela* (revised in 2010) to proceed (hereafter cited as S.S.T.).

During the investigation, the accused priest is presumed innocent and his reputation should be protected. This “sufficient evidence” must be sent to the Congregation for the Doctrine of the Faith in order to apply the precautionary

measures (canon 1722) of removing the priest from ministry and prohibiting him from public celebration of Mass until the case is decided.

Thus the evidence must be sufficient to conduct a trial to determine who is more credible, the accuser or the accused. The burden of proof is on the one making the allegation (canon 1526). Unless the accused confesses, the charge must be thoroughly corroborated (canon 1536.2). A single witness does not establish such proof (canon 1573). There must be other proof against the accused priest.

The most basic proof needed, then, is at least testimony that the accuser was in fact alone with the accused. This becomes a serious problem when cases go back decades and witnesses other than the accuser are no longer around. The value of the statute of limitations, now raised to 20 years (*S.S.T.*, 7) should not be derogated from without the possibility of providing other verifiable proofs. **Yet I am personally aware of convictions by an ecclesiastical court based on the unsubstantiated testimony of the accuser claiming to be alone with the priest despite all kinds of inconsistencies. This would be preposterous in a civil trial.** If at least this type of case can be thrown out as entirely superfluous (canon 1717.1), priests could have some assurance that they won’t simply be discarded just because they are accused.

Rev. Michael Maginot, J.C.L., S.T.L. is a priest of the Diocese of Gary, Indiana

DO YOU KNOW SOMEONE WHO SHOULD RECEIVE THIS NEWSLETTER?

We wish to inform you that we do not have a data base of the names and addresses of priests and deacons in the United States. We get our information from the Official Catholic Directory.

Some retired priests are not listed in the directory. If you know of any priests who should receive this newsletter please send us their contact information and we will send them a FREE copy.

EXPANSIVE APPLICATION OF “VULNERABLE ADULTS” IN THE CHARTER AND DIOCESAN POLICIES

In June of 2011 the U.S. Bishops, at their meeting in Bellevue, Washington, voted to add the term “vulnerable adults” to the charter for the Protection of Minors. There are good points and bad points to this addition. The addition appears to be an attempt to clarify who the Charter is intending to protect by defining people who “habitually lack(s) reason” as a person with mental retardation, as confirmed in a public statement made at that time by Bishop Blasé Cupich of Spokane, Washington., USCC Chair of the Committee for the Protection of Children and Young People.

The original Charter was for the protection of children and young people. The Code of Canon Law, in canon 97 states: “A person who has (not) completed the eighteenth year of age...” is a minor. With the addition of the term “Vulnerable adult,” these people are also linked with minors because they are considered as not having the mental capacity of a seven year-old, the age at which the Church says a child has the use of reason. Official definition of “vulnerable adult” is explained in a footnote of the Essential Norms which complement *Sacramentorum Sanctitatis Tutela*, the source document of the Charter. Ironically, in the most recent copy of the Charter, the term “Vulnerable adult” does not even appear.

The Roman Pontiff is the source authority behind the Dallas Charter for the Protection of Minors and Youth from sexual abuse. The Roman Pontiff was also the authority which directed the addition of the term “vulnerable adult” to Charters for the protection of the mentally handicapped and those “habitually lacking the use of reason.” This change was understandable given the cases of abuse which took place in boarding homes and institutes for the handicapped.

What is alarming is that there is now evidence that some church officials have begun to apply that term to different circumstances. Universal Laws are made by the Supreme Legislator (i.e. the Pope, College of Bishops, or their delegate). Particular Law is territorial (sometimes personal) made by an episcopal conference or a local bishop. [Cfr. New Commentary on the Code, p. 65, cc. 12-13] An episcopal conference or a bishop cannot out-trump the Supreme Legislator. No bishops' conference and no individual bishop can institute penalties or subjects of penalties stricter or more expansive than those established by the Supreme Legislator (c.18, strict interpretation) unless delegated by the Supreme Legislator to do so.

The addition of this term to the Charter is a step toward ensuring that every one of the People of God should be protected from predatory clerics. However, bishops and reli-

gious superiors should examine their interpretation and application of the term *vulnerable adult* to ensure they have not exceeded the authentic definition provided by the Supreme Legislator. Such expansive interpretation by bishops or religious superiors would be prime examples of what Rev. Francis Morrissey, OMI, JCD calls “Charter creep.”

Rev. Michael Sullivan, J.C.L., is a priest of the Archdiocese of St. Paul-Minneapolis, Minnesota



THE RIGHT OF DEFENSE

Canon law gives laity and clergy the right of defense. In his address to the Roman Rota, 26 January 1989, Pope John Paul II stated: “I intend in today’s annual meeting to emphasize the importance of the right of defense in canonical judgment.” Pope John Paul further stated: “The new Code of Canon Law attributes great importance to the right of defense. Canon 221#1 states “that Christ’s faithful may lawfully vindicate and defend the rights they enjoy in the Church, before a competent ecclesiastical forum in accordance with the law.” Paragraph 2 continues “if any member of Christ’s faithful is summoned to trial by the competent authority, they have the right to be judged according to the provision of law, to be applied with equity.”

Pope John Paul II further stated in his allocution that one cannot conceive of a just judgment without the “contradictory” due process of law, that is to say without the concrete possibility granted to each party to be able to know and contradict the requests, proofs, and deductions adopted by the opposing party. He further mentioned that “this right of defense in the case should be exercised according to the just depositions of positive law.” He also stated that “in a penal case, however, there must be a *de facto* defense, indeed a technical defense, because in a penal trial the accused must always have an advocate.” (Cc. 1481 #2; 1723).

It is clear from the doctrinal teaching and jurisprudence of the Roman Rota, Apostolic Signatura, and papal teaching that the right of defense is essential from natural law and divine positive law. The Church has always understood that it cannot dispense from natural law. The right of defense, therefore, is a fundamental presumption of all law.

In conclusion, I maintain in the light of the above jurisprudence that any decree, issued without the right of defense, by the Supreme Pontiff, Roman Tribunals, Roman

THE RIGHT OF DEFENSE (contd.)

Congregations, decrees of bishops and ecclesiastical tribunals is null and void (*irrita est*) and does not have to be observed and it can be appealed.

**Rev. Dr. Michael Higgins, M.A., D.D., D.C.L.
Executive Director of Justice for Priests and Deacons**



THE RIGHT OF APPEAL

In recent years, priests have received decrees from the Holy See and those decrees state that there is no right of appeal. Some bishops and canonists give as the reason why there is no appeal that the Holy Father signed it. This is not true. I have seen many decrees and the Holy Father has never signed any decree that has come to my attention. The decree is generally signed by the Cardinal Prefect and the Most Reverend Secretary.

There is a long tradition in the church that a person can always exercise his right of appeal. This is very clear from the Second Council of Lyons in 1274 (cfr. d.b. 466.) which stated that anyone can appeal any burden “ad ecclesiasticum forum pertinentibus appellare.” The First Vatican Council taught the same doctrine in 1870. (cfr. d.b. 1830) concerning the Roman Pontiff, ... we declare, that he is the supreme judge of the faithful, and that in all cases looking for ecclesiastical examination one can turn to his judgment “et in omnibus causis ad examen ecclesiasticum spectantibus ... cuius auctoritate maior non est, iudicium a nemine fore retractandum,” canon 1417 §1(c.i.c. 1983) states that at any time a person may refer his case to the Roman Pontiff; and canon 1638 further states “that an appeal suspends the execution of the judgment..” Some priests have received a decree of laicization and were not aware of any canonical process taking place.

This is contrary to due process and the norms of law. This is the opinion of many prominent canonists. We suggest that if this happens to you that you find a competent canonist outside of your diocese, and appeal your case to the Holy See, even the Holy Father. Some priests have done this and their appeal has been accepted. The idea of no appeal is so contrary to our U.S. Constitutional Law where you always have the right of appeal.

**Rev. Dr. Michael Higgins, M.A., D.D., D.C.L.
Executive Director, Justice for Priests and Deacons**

ISSUES FOR PRIESTS TO CONSIDER...

WHEN AGREEING TO “GO FOR MENTAL EVALUATION AND/OR TREATMENT.”

Not all evaluation centers are equal. Here are some questions priests should ask before agreeing to go for evaluation.

Is the facility accredited to do comprehensive psychiatric/psychological evaluations?

Does the facility appreciate the importance of the spirituality of the human person, without being biased toward a particular religion?

Is this a facility that clearly understands and separates the assessment process from treatment?

Do they subscribe to the general principle that the treatment recommended should be the least invasive that is appropriate to the diagnosed problem?

For example, does it require out-patient treatment instead of in-patient or residential treatment when out-patient treatment is also effective in treating the diagnosed problem? It is reasonable to be suspicious of the treatment recommended if it does not flow from the diagnosis made. It is reasonable to be suspicious if the facility only provides one form of treatment, for example, in-patient or residential, and that is consistently the form of treatment being recommended.

It is like “one size fits all” no matter what the problem or what effect the treatment recommended might have upon the priest.

It is valuable for the priest to be cooperative when asked to “go for mental evaluation and/or treatment.” But it is neither necessary nor helpful to blindly go along with the plan. I would recommend that after the evaluation and before agreeing to the treatment plan, the priest ask for the evaluation with the testing protocol and that recommended treatment be reviewed by another mental health professional trained and experienced in treating the diagnosed problem. This is especially important if the facility doing the evaluation is recommending they do the treating.

**Dr. Donald Ruedinger, M.D., M.Div.,
Psychiatrist Anthem, Arizona**



HEALING FOR WOUNDED SOULS

The issue of sexual abuse among Catholic clergy in the United States made front page headlines in 2002 and has caused much damage to the reputation of the Roman Catholic Church. Numerous victims and their families have had their lives seriously affected by sexual abuse. Closure does not occur easily to individuals with such psychic trauma. For many these remain open wounds in search of healing.

We do not hear much about victims of abuse beyond what appears in newspapers. They remain anonymous and hidden for the most part because of shame and embarrassment. Do they ever recover from their ordeal and find closure? Some do but many do not. Wounds of this nature that are inflicted when a person is young go to the core of one's being, and they do not heal easily. Counseling and spiritual direction have helped some people overcome the anger, depression and shame that bind them. Yet with their dignity violated many do not see themselves as lovable. They find it difficult to love and trust others who are attracted to them.

It is encouraging, however, to hear stories about abuse victims who find the strength to forgive those who violated them, and live a rather normal life. That is a special gift from God. Marianne Williamson put it this way: "The practice of forgiveness is our most important contribution to the healing of the world." Somehow these victims find the way to live out the Serenity Prayer: *God, grant me serenity to accept the things I cannot change, courage to change the things I can, and wisdom to know the difference.* There is no personal gain in holding on to resentment, bitterness and revenge. These only hurt a person more. But God can lead a person out of destructive thinking into a future filled with hope.

Here is where priests and those with healing ministries can assist victims of sexual abuse. Jesus is the Divine Healer who came to bring us abundant life. Prayer for healing over a period of time can bring inner peace and lead the way to deeper self-love and wholeness. The anointing of the sick should be offered to those who have been wounded by emotional, physical or sexual abuse. We should expect that the sacred oil and the laying on of hands will gradually soothe their wounded spirit, and bestow upon them God's loving embrace. The sustained prayers of a loving community will hasten the ability of a person to forgive those who have abused them, and free their minds of much pain.

Another group of people who suffer in the wake of the sexual abuse scandal are priests who are falsely accused. (See article by Rev. Oliver Brennan in this newsletter.) Justice for Priests and Deacons has provided legal counsel and encouragement to many priests who were removed from active ministry, some of whom are in prison. There is much pain

in the hearts of these shepherds who have served the people of God well for many years, and suddenly experience a loss of reputation, freedom and ministry. These men are hidden in monasteries and retirement homes with little likelihood of ever returning to active ministry. A challenge for Church leaders and the civil authorities is to investigate these cases that fell erroneously into a "one strike and you are out" policy without safeguarding the civil and canonical rights of the priests.

Jesus entrusted his gifts of healing to his disciples, and the Body of Christ should exercise these gifts more eagerly. "He heals the brokenhearted and binds up their wounds." (Psalm 147:3) Priests, deacons and religious, who have been accused, all need healing. It seems that bishops could play a significant role in this healing process if they chose to do so. Family members and friends have an important role to play in reassuring the goodness, truth and beauty that reside in these wounded souls. To restore a person's dignity and self-love brings healing to the entire community. Hope replaces hopelessness. Forgiveness replaces bitterness. Compassion over-comes vengeance. May God's grace and favor bring healing to these crucified of today.

Rev. Michael Salvagna, C.P., M.A.
Passionist Retreat Center, Pittsburgh, PA

Justice for Priests and Deacons was founded to create a referral program to offer advice to priests and deacons about their rights under Canon Law. Many priests and deacons are unaware of their rights in Canon Law. The priest or deacon has nowhere to turn for help, support, or advice when he is accused. Justice for Priests and Deacons strives to fill that void. It is an organization that seeks to serve the needs of the clergy, women religious, and laity. Our organization assists the priest or deacon in the preparation of his case, his defense, and to process his appeal if necessary. Another important part of our ministry is to offer assistance to those priests who may find themselves abandoned by their bishops or in prison.

WHY WE SUPPORT THE PRISON MINISTRY PROGRAM

This past Holy Thursday the new Bishop of Rome, Pope Francis, visited prisoners in Rome's juvenile prison and celebrated Mass there. During the liturgy, Pope Francis washed the feet of twelve of these prisoners. Seeing this caused us to think about the ministry to prisoners that we have been performing for the past several years. Pope Francis gave us a wonderful example to follow and increased our enthusiasm to continue our ministry when we read his sermon of that day. He said, "It is an example set by Our Lord, it's important for Him to wash their feet, because among us the one who is highest up must be at the service of others. This is a symbol, it is a sign - washing your feet means I am at your service. And we are too, among each other, but we don't have to wash each other's feet each day. So what does this mean? That we have to help each other."

We had been sending monthly contributors to Justice for Priests and Deacons for four years when we discovered the Ministry for Priests in Prison. How delighted we were when Monsignor Higgins, Executive Director of Justice for Priests and Deacons, asked us to take part in this special ministry! It did not take a second thought for us to agree to participate and directly help a priest in need. My husband and I have been corresponding for almost two years now with one priest who is in prison. It has truly been a Christian experience for us, allowing us to perform an act we would never have thought about doing - visiting someone in prison. In his sermon Pope Francis said, "Think that this sign is Christ's caress, because Jesus came just for this, to serve us, to help us."

We believe this has helped us more than it has our new brother in Christ. We write to him every month and send him a small amount of money in order for him to have a few extra things he might need. Since our correspondence began, we all feel we have a new member of our family. We share our family get-togethers with him, along with pictures of our children and grand-children. Although he could not attend physically, he was present in spirit when our eldest received her Ph.D. this past year. I think these letters help him realize he has not been forgotten. They allow him to have a small part of normal life and understand there are people who pray for him and with him daily.

Last September we traveled to visit him for a few days and were able to have wonderful face-to-face conversations, get to know each other better, and exchange tales of our lives. This June we are going to visit him again. Not everyone is actually able to visit a priest in prison, but we all can do something to help them have hope and to believe they are not forgotten by others who profess, as Christians, to love one another. A letter or card now and then can mean a great deal.

During our ministry we discovered that bishops very seldom visit their priests who are in prison; therefore, we are happy that Justice for Priests and Deacons has a program where these men can discover Christ's love in other priests and laypeople. If Pope Francis can visit those in prison, how can we refuse to do so as well?

We are grateful to Monsignor Higgins for asking us to participate in the Prison Ministry and recommend this ministry to others if only as an act of Christian charity. We are happy to know there are priests who also volunteer to write to these men and send them \$50.00 each month. This establishes a bond between the two priests that cannot exist between a priest and a layperson. We can help on a family and personal level, but that can never be the same bond as that between those who share the Sacrament of Holy Orders.

We encourage you to consider volunteering for this ministry. You may find a good soul who is doing his purgatory on earth. Remember, Our Lord said, "I have given you a model to follow, so that as I have done for you, you should also do."

**Maureen Baldwin, Ph.D. and Howard Baldwin, Ph.D.,
Baltimore, Maryland**

THE UPPER ROOM CRISIS HOTLINE

The Upper Room Crisis Hotline has handled hundreds, if not thousands of calls since its beginning in 2008. Fr. "Tim" (name unknown) calls because he's assuming a new pastorate with a huge building debt and just needs someone to listen to his worries. Fr. "Bob" calls when he's alone in the rectory, worried about the amount of alcohol he consumes every night before retiring. Thinking about a treatment program and asking for a referral. Men like Frs. "Bob" and "Tim," "Mike" and "Larry" call for many reasons and are always greeted kindly, listened to in a non-judgmental manner, supported in confidential and anonymous conversations, and prayed for by the trained volunteers, Board, and staff. It is our privilege to serve you, Fathers. Please call: 1-888-808-8724.

**Sr. Mary Frances Seeley, OSF, Ph.D.
Joliet, Illinois
815-341-9124 (O)**

Donations are always needed and welcome.
They can be sent to: TURCH, P.O. Box 3572,
Joliet, IL 60434

THE SUFFERINGS PRIESTS ENDURE FROM FALSE ACCUSATIONS

Early Saturday 14 August 2010 I received a telephone call from the Auxiliary Bishop of the Diocese, Gerard Clifford, to say that he would like to meet me at the parish rectory where I resided. I assumed the meeting concerned my appointment to a new parish and particularly with my diocesan role regarding pastoral renewal combined with parish work.

The bishop arrived accompanied by the woman who was the diocesan Child Safeguarding Officer. The bishop opened a folder and said: "There is no easy way of doing this; an allegation has been made against you regarding child safeguarding going back to the late 1970's and early 1980's."

He then proceeded to read a statement of an allegation about safeguarding.

I went into a state of shock and to this day I can't remember what was in the statement. After that was read he said: "You do not have to make any comment." And I said: "I would like to make a comment: "I am absolutely innocent of any wrongdoing in this regard." The Child Safeguarding Officer asked me to hand over my celebret and the bishop ordered: "Be out of this house by 6:00 pm as I am coming to speak at the 6:30 pm Mass." The bishop ordered me to take administrative leave and I agreed.

The bishop inquired if I had anywhere to stay when I left the parish rectory. I said I had a brother living in a neighbouring parish. He and his wife would accommodate me. My brother was then asked to come to the parish rectory to meet with the bishop and the Child Safeguarding Officer. As the meeting was drawing to a close at around noon, I asked to be excused in order to officiate at the wedding of a very close friend in another parish. The bishop objected saying: "You can't do this wedding. As of now you cannot celebrate any sacrament publicly." I gathered a few belongings and headed to my brother's home.

At 6:30 pm Vigil Mass the bishop informed the congregation of the allegation and that I had already left on administrative leave. I was informed that the people were in shock after that Mass. A large number of people went into the sacristy after Mass and verbally attacked the bishop. The following morning the bishop celebrated the 9:00 am Mass in the other parish church. He again read a statement—now toned down from the one of Saturday evening. This time he was quickly escorted from the sacristy to a waiting car.

Cardinal Brady, after returning from his month vacation, asked me to the Chancery Office to meet on September 2. I was accompanied by my friend, a solicitor/lawyer. He is an

uncle of the bride at whose wedding I could not officiate. The Cardinal appeared quite shocked when he realised I had someone with me. The Child Safeguarding Officer was also present throughout the meeting. My solicitor/lawyer said he was there to ensure I be returned to ministry as quickly as possible.

Cardinal Brady read a statement of allegation which specified abuse of teenage "girls." The solicitor/lawyer stopped him and asked: "Is there more than one person making an allegation?" There was silence and then the Child Safeguarding Officer said: "No, only one person." This exemplifies how unprofessional Church authorities can be in conducting penal matters.

When the Cardinal concluded reading the allegation, I said: "It is terrible to be falsely accused of something like this" and he responded: "Excuse me! It is terrible for the accuser, not for you." At the end of that meeting, the Child Safeguarding Officer told me that I could not leave the diocese without her permission. My solicitor/lawyer asked that this investigation be completed as quickly as possible. The Cardinal said regulations would have to be strictly followed and he could give no guarantee regarding time.

On 14 September, at the request of Cardinal Brady, I attended another meeting at the Chancery Office. He asked me to consider resigning as pastor. I said that I would consider resigning the parish for the next few months. A few minutes later the Cardinal was handed a document which was placed before me to sign. I signed, resigning as pastor, without realising what I was doing. The following morning it dawned on me I had been deceived into resigning as Parish Pastor.

I continued to visit my former rectory in Blackrock to collect my mail. There were hundreds of letters of support sent to me. However, after signing the resignation, my secretary and I were denied entrance. Later we realised the locks were changed by the new Pastor to deny me access even though the house was vacant. For the next few months, I was unable to access my mail. The new Pastor refused to forward it.

In January 2011, I had an emergency admission to a hospital suffering from atrial fibrillation caused by severe stress. I was advised by the medical team it could have caused my death.

My solicitor continued to put pressure on the Police Service of Northern Ireland (PSNI) to get a statement from the woman complainant. Upon her first visit from the Child Safeguarding Officer, she made it clear she did not want the

THE SUFFERINGS PRIESTS ENDURE FROM FALSE ACCUSATIONS (CONT'D.)

police involved and was terrified the issue might go to court. The police visited her in autumn 2010 but she could not make a statement. During a visit with her in January 2011, she gave a statement, parts of which contradicted her statement to the Child Safeguarding Officer. Finally, after pressure from my solicitor, the PSNI interviewed me on 01 April 2011 in the presence of my solicitor/lawyer.

On 24 November 2011 the PSNI phoned my solicitor/lawyer to say that the Public Prosecution Service had notified them that the allegation against me lacked all credibility. I immediately communicated this to Cardinal Brady and Bishop Clifford. I informed them my solicitor/lawyer would be issuing a press release the following day.

On 02 December 2011, having received the official document from the Public Prosecution Service, I met with the Cardinal who agreed to proceed with the Church investigation. On 08 May 2012 the Congregation for the Doctrine of the Faith (CDF) notified Cardinal Brady. They advised him to conclude the matter with an administrative process. I was not informed of this until early June.

The Administrative Procedure requested by CDF could have been done in a few weeks but by the last week in August nothing had happened. A few members of my family met with Cardinal Brady and his Secretary after they discovered—through canonical consultation—that the Diocese had instituted a judicial procedure which is much longer than what the CDF directed.

Finally, on 19 October 2012 at a meeting with Cardinal Brady I was handed a letter stating that the Administrative Procedure was now concluded, I was a priest in good standing and was being returned to ministry forthwith.

Rev. Oliver Brennan, Ph.D. is a priest of the Archdiocese of Armagh, Northern Ireland



If any priest has seriously failed in some way, fellow priests should treat them with largeness of mind and brotherly affection, constantly praying with earnestness to God for them, and behaving as true friends and brothers.

paraphrased from Decree on the Ministry and Life of Priests, Vatican II, 8

Have Your Rights Been Violated?

Has your Bishop or Provincial removed you from functioning as a priest or deacon, such as removal as pastor, denial of faculties, allegation of misconduct, forced laicization, withdrawal of financial support, or forced psychological evaluation and treatment? Done without due process, your canonical rights have been violated.

For more information, contact our organization for a canonical opinion and a competent canonist will advise you.

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CONCLUSION. THE CRISIS OF PRIEST-BISHOP IN THE CHURCH: LACK OF DUE PROCESS

In 2004 Avery Dulles, by then a Cardinal of the Church, publicly challenged the United States Conference of Catholic Bishops on what came to be known as the “Dallas Charter,” taking the unpopular stance that the charter was flawed. His fear that the rights of innocent priests would be trampled has come to pass, and in the process he lived the prophetic call to care for prisoners and to seek justice on their behalf. [Cfr. CTSA PROCEEDINGS 65 (2010)]

In November 2000 the US Bishops published *Responsibility and Rehabilitation* critiquing the American criminal Justice system. They upheld the dignity of the accused, rejected slogans like “three strikes and you’re out,” and “one size fits all solutions.” They claimed effort to ensure that punishment fits the offense. They did not support mandatory sentencing by rigid formulations and they preached “we must welcome ex-offenders back into society.” Since 2002 “the US bishops have adopted the very principles they themselves condemned in their critique of the secular judicial system.” (Cfr. “Rights of Accused Priests,” *America*, June 21, 2004, by Avery Cardinal Dulles). Cardinal Dulles cited the following problems:

Presumption of Innocence: Priests are branded as guilty by public announcement of “credible accusation” and suffer loss of their good name.

Definition of Sexual Abuse: The National Review Board, Feb. 2004, stated this definition is “expansive and somewhat amorphous” (violates canon 18, strict interpretation).

Proportionality: The Essential Norms do not distinguish between different degrees of gravity. *Retroactivity:* It is regularly invoked. Yet as a general rule, neither civil law nor canon law is retroactive.

Prescription (statute of limitations): The waving of prescription does not conform to our canonical tradition.

Confidentiality: The relationship between bishops and priests has been seriously wounded by turning over priests’ confidential files to third parties. No other profession would even consider this.

Settlements: Not infrequently bishops or religious superiors negotiate a financial settlement with accusers, even if the accusation is false, to avoid negative publicity of a trial.

Remuneration: The Essential Norms say nothing about financial support. Sometimes priests are forced into secular employment without due process, violating canons 281 and 1350.

Access to Trial: In many cases, ecclesiastical trials are not accessible until years after an accusation. There is some evidence that directives of the Congregation for Doctrine of the Faith to provide a trial have been ignored by bishops.

Virtual Laicization: When a bishop forbids a priest to exercise public ministry (canon 1722), for an excessively prolonged period, this can, in effect, amount to forced laicization of clergy.

Prospect of Reinstatement: The Norms reflect an attitude of vindictiveness; forgiveness and reinstatement have been eliminated.

Offenses beyond the Scope of Essential Norms: Offenses committed with adults must not be treated as if they fall under the provisions of the Dallas Charter and its Essential Norms (canon 18).

The priest-bishop crisis has now arrived. Avery Cardinal Dulles wrote prophetically when he predicted a crisis in the Church because of the way bishops were applying the Dallas Charter to priests, deacons and religious. The Cardinal advised: “The church must protect the community from harm, but it must also protect the human rights of each individual who may face an accusation. The supposed good of the totality must not override the rights of individual persons. Some of the measures adopted went far beyond the protection of children from abuse.” [America, June 21, 2004]



IT IS IMPORTANT FOR ALL CLERGY TO KNOW THEIR RIGHTS IN CANON LAW, ESPECIALLY THOSE ACCUSED

Whenever rights are threatened through an investigation or allegation, as with the civil law, it is prudent and most advisable to consult an attorney.

What happens when a priest is accused by his Bishop or Superior? What rights specifically does that priest have when, for example the allegation is of a most serious nature, sexual abuse of a minor? A practitioner of Canon law identifies those key canons which form the basis for some of the most common concerns upon learning of an allegation of abuse against a priest. The relevant canons are 50, 51, 220, 221, 487, §2, and 1620, 7° and they form an operative basis for initial defense of a priest accused under Church Law. These canons cannot be viewed separately, but instead inter-

twined and as forming the legal authority and basis for an initial defense of the accused cleric.

Canon 50 states: "...Before issuing a singular decree, an authority is to seek out the necessary information and proofs and, insofar as possible, to hear those whose rights can be injured."

Often times, a priest is required to come immediately to the Chancery where the Bishop will be present along with his Vicar General and Chancellor or chief canonist to present an allegation against the priest. Often times the decision will already be made to place the priest on administrative leave and/or to suspend the priest from ministry before the priest even arrives for the meeting. Moreover, such negative actions can be taken orally by a Bishop and his Chancery Staff leaving the priest confused, anxious and wholly unclear as to his status. However, the law is crystal clear.

When an allegation arises, this is a pivotal moment and often times because of what the priest says in response can be an effective ministerial death-knell; it is absolutely essential to know what precisely is being alleged against a priest. Moreover, that priest must recognize immediately his right to remain silent and not respond at all substantively to the allegation proffered as often any explanation by the priest is viewed not as exculpatory, but unfortunately as a form of corroboration and admission by the Diocese. Words can be misunderstood or confused and the initial confusion of such a meeting can have permanent negative effects on a priest and his ability to ever minister again.

When meeting with Diocesan officials, because of the inherent power-imbalance, such meetings should be utilized by the priest as opportunities to learn about the nature of the allegation, to learn about his status as a priest (whether he has been placed on so-called administrative leave or suspended), to respectfully demand that the actions of the Diocese be put in writing and provided to the priest and also to allow the priest to know in totality the substance of the allegation against him along with his canonical counsel.

Often times since this is a matter purely of Church law, civil attorneys are barred from representing the priest at such meetings with the Diocese. While this can be a source of frustration, the civil attorney should recognize immediately the need for his/her client to retain canonical counsel immediately as the two disciplines require expert representation to address and consider the interplay of each as it relates to the priest's rights.

Canon 51 states: "A decree is to be issued in writing, with the reasons at least summarily expressed if it is a decision."

When a Diocese has decided to take some action based on an allegation, such a circumstance cannot be presented merely orally to the priest. The priest has a right to know with precision what exactly he is being accused of, from whom and the reasons articulated in the Decree must be stated at least in summary fashion. It is not uncommon for the Diocese to compose a Decree which simply makes vague allegations and assertions against the priest which are in violation of this canon. I have seen it multiple times where the decree simply states "whereas serious concerns have been raised as to Father [X]" ...Articulation of the reasons at least summarily expressed if it is a decision is necessary so that the priest knows what he is being accused of and so that the subsequent investigation does not become a proverbial fishing expedition against the priest searching for everything and anything which can adversely impact the priest's ministerial status.

Canon 220 states: "No one is permitted to harm illegitimately the good reputation which a person possesses nor to injure the right of any person to protect his or her own privacy."

Perhaps one of the most controversial aspects of any Diocese receiving an allegation is the rapidity often with making the allegation known through dissemination both orally (at Masses at the parish where the priest currently or last served), through diocesan publications (website, newspaper, etc.) which effectuates in real terms a true injury to the priest's good reputation and privacy. Once such an accusation is made public, it is impossible to un-ring the proverbial bell. Even after an accusation comes forward, is made public by the Diocese and after a process which results in the priest being exonerated, it is impossible to restore that priest's reputation. As a result, advocating early for the priest for his good reputation is essential. Optimally, preventing any disclosure of an allegation is best, but often after intervention of the Diocesan Review Board (and a finding of that consultative Board that the accusation has a 'semblance of truth') the Diocese will publicize an allegation causing untold and permanent harm to a priest's reputation. A major point of focus should be on protecting the priest's reputation at the outset and duration of the process (if one ensues).

Excerpted from **Canon Law: an Overview for the Civil Attorneys Seeking to Assist and Defend Priests prepared for Justice for Priests & Deacons by Robert Flummerfelt, J.C.L., J.D., Ukrainian Catholic, Las Vegas, Nevada**



PRIESTS NEED PRIESTS...PRIESTS NEED FRIENDS

Priests need the love, support and prayers of brother priests as well as of family and friends (if they are fortunate to have that type of support.)

Have you ever been abandoned, alone, fearful for your future and racked with a feeling of hopelessness? Our Leader, Teacher, Inspiration and God—in the flesh of Jesus—never abandons any of us. He loves, forgives, encourages and supports those of us who have slipped and temporarily chosen the incorrect road...all of us are twin to the broken, the lost, the self-proclaimed helpless, the struggling brother. Jesus taught us in His own words, “Love as you love yourself.”

You can be the light, the salt, the channel of Spirit for these brothers in such great need. Being a bearer of hope for so many hidden needy among us is what we signed up for so many years ago. I know how difficult it can be to suffer from the exhaustion of ministry. You do not need anyone to add to your compassion fatigue as you share His life in the Harvest. I would just like to challenge you

to re-evaluate, to clarify, and to re-prioritize our methodology of love and support for our brother priests.

Do you have any ideas how we can help make this fraternal support and love more real in our present Church? Do you have any experiences that have brought our broken brothers closer to the warmth of His love? Are you willing to make space in your heart for an outreach to a forgotten or abandoned priest? We would be thrilled to get your ideas, your sharings, and your offers of support for priests needing priests.

Rev. Dr. Donald Jolly, Ph.D., is Chairman of the International Hyperbaric Research Institute, Newport Beach, California

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